

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

31. CRIMINAL APPLICATION NO. 609 OF 2020

1. Suryabhan S/o Bapurao More,
age 61 years occupation agriculture
R/o Ahirewadi Taluka Purna Dist. Parbhani
2. Baban S/o Ramrao Khandare,
age 61 years occup. & R/o as above
3. Jagan S/o Suryabhan More,
age 30 years occup. & R/o as above.
4. Tukaram @ Baburao S/o Suryabhan More,
age 37 years occup. Asstt. Professor
R/o Khultabad Tal. Khultabad Dist. Aurangabad

...Applicants

VERSUS

1. The State of Maharashtra
Through : Investigation Officer,
Purna Police Station Taluka Purna Dist. Parbhani.
2. Pandit S/o Sakharamji More,
age 47 years occupation agriculture
R/o Ahirewadi Tal. Purna Dist. Parbhani.

...Respondents

Mr. R.V. Gore, Advocate for applicants

Mr. R.B. Bagul, Addl. Public Prosecutor for Respt. No.1/State

Mr. G.J. Pahilwan, Advocate for respondent No.2

CORAM : T.V. NALAWADE &

M.G. SEWLIKAR, JJ.

DATE : 15th January, 2021

ORAL JUDGMENT (PER : T.V. NALAWADE, J.) :

1. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2. Present proceeding is filed for the relief of quashing of the proceeding of Sessions Case No. 77/2019 pending before the learned Addl. Sessions Judge, Parbhani. The case is filed for offences punishable under sections 307, 323, 504, 506 read with Section 34 of the Indian Penal Code. During argument, the learned Counsel for the applicants and the learned Counsel for the original complainant, informant submitted that the parties have settled the dispute. The record shows that two persons, like Krishna and Pandit were injured in the incident. They have filed affidavit to the effect that they have settled the dispute and they have no objection to grant the aforesaid relief. This Court has gone through the allegations made against the applicants and also the Medico Legal Certificates in respect of Krishna and Pandit. The record shows that both of them sustained simple injuries. Iron rod was used in the incident. Private part was pressed. In view of the nature of allegations made in the F.I.R. and the nature of injuries sustained, this Court holds that that the relief needs to be granted. As the injured persons have no intention to

give evidence, nothing can be achieved by asking the applicants to face the trial.

3. By way of precaution, this Court had asked the learned Addl. Public Prosecutor to collect antecedents of the applicants. Today, the written communication of Police Inspector of Purna Police Station is produced and it shows that against the present applicants one crime as Crime Regn. No.161/2017 was registered for offences punishable under Sections 325, 323, 504, 506, 149, etc. of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and the case filed in that C.R. is still pending. In view of the nature of allegations made in the present matter, this Court holds that the circumstance of pendency of the aforesaid matter cannot come in the way of the applicants to get the relief.

4. In the result, the application is allowed subject to payment of costs Rs. 15000/- (Rs. fifteen thousand only) to be paid by applicants within four weeks from today. The relief is granted in terms of Prayer Clause (B).

5. If the amount is not paid it is to be presumed that the present proceeding is dismissed. If the amount is paid, it is to be

credited in the account of the High Court Legal Services Sub-Committee, Aurangabad.

6. Rule made absolute in those terms.

(M.G. SEWLIKAR)
JUDGE

(T.V. NALAWADE)
JUDGE

Madkar